

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

RAFAEL MONSERRATE CARO ADORNO
MARIA ESTHER CANCEL RODRIGUEZ
DEBTOR(S)

CASE NO. 23-02367-ESL
CHAPTER 13

TRUSTEE'S REPORT ON CONFIRMATION

1. The applicable commitment period (years) is: 5
2. The liquidation value of the estate is :\$ 0.00
3. The general unsecured pool is :\$ 0

AMENDED PLAN DATE: November 30, 2023

PLAN BASE: \$46,734.00

TRUSTEE'S REPORT ON CONFIRMATION DATED: 12/7/2023

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FAVORABLE

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UNFAVORABLE

1. [X] INSUFFICIENTLY FUNDED § 1325(b):

Plan is insufficiently funded to pay secured creditors and priority debt owed to Internal Revenue Service.

2. [X] FAILS DISPOSABLE INCOME TEST § 1325(b)(1)(B):

Joint debtor is a governmental employee that, per the announcement made by the Governor of Puerto Rico might be entitled to receive a special bonification. Joint debtor is asked to inform for the record if she received such bonus. If received or entitled to receive, provide evidence of such income and amend the plan to devote the bonus for the benefit of the estate. If debtors intends to use a portion, they shall seek court authorization prior to any use thereof.

3. [X] FAILS SECTION 1325(a)(9):

• **IRS Tax Returns:** Debtor is asked to provide evidence of filing of 2019-2021 Form 1040 -PR. The forms submitted do not include evidence of their filing with the IRS. Thus, no evidence of filing has been provided. Also, provide evidence of filing for year 2022.

• **State Tax Returns:** Evidence of filing the required tax return for the year 2019 has not been provided for debtor. Related to joint debtor she needs to provide evidence of filing for 2021 and 2022.

[X] OTHER:

1) Plan does not provide for priority debt owed to Internal Revenue Services as it was disclosed in Scheudle E/F. 2) Plan does not provide insurance for BPPR and Performance Finance collaterals. Trustee hereby notes that per BPPR claim maturity date is 04-13-2026. Also, per performance Finance claim maturity date is 05-11-2028. 3) Insurance quote for Performance Finance needs to be amended to correct maturity date to 05-11-2028.

NOTICE: This report anticipates Trustee's position as per 11 USC § 1302(b)(2) a copy of which has been served upon counsel for debtor(s). Copies are available to parties in interest at the Trustee's Office.

/s/ Miriam Salwen Acosta
Miriam Salwen Acosta
USDC # 208910

Atty: MILAGROS RIVERA RIVERA*

OSMARIE NAVARRO MARTINEZ
Chapter 13 Trustee
PO Box 9024062, Old San Juan Station
San Juan PR 00902-4062
CMC - WG